

Docket No.: 13173-00026-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Matt Sauer et al.

Application No.: National Phase of
PCT/EP2004/008624

Confirmation No.: N/A

Filed: Concurrently Herewith

Art Unit: N/A

For: **PROMOTERS FOR THE EXPRESSION OF
GENES IN TAGETES**

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

Of the documents listed on the attached SB/08 are the documents cited in the International Search Report during the prosecution of international application no. PCT/EP2004/008624, which corresponds to the above referenced application. In accordance with 37 CFR 1.97(b)(2), Applicants hereby submit these documents for the Examiner's consideration. A copy of each document required under 37 CFR 1.98(a)(2) is enclosed.

AP20 Rec'd PCT/PTO 17 FEB 2006

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited documents.

Applicants believe no fee is due. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13173-00026-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By Roberte M. D. Makowski

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17 FEB 2006

PTO/SB/08a/b (07-05)

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Substitute for form 1449A/B/PTO				Complete if known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	Matt Sauer
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	13173-00026-US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ - Kind Code ⁵ (if known)				
	BA	EP-0 524 910-A2	01-27-1993	Sandoz Ltd.		
	BB	WO-98/14465-A1	04-09-1998	Colorado State University et al.		
	BC	WO-98/24300-A1	06-11-1998	Yissum Research and Development Company of the Hebrew University of Jerusalem		
	BD	WO-99/61399-A1	12-02-1999	The University of Maryland		
	BE	WO-00/08920-A1	02-24-2000	Yissum Research and Development Company of the Hebrew University of Jerusalem		
	BF	WO-00/32788-A2	06-08-2000	Chr.Hansen A/S		
	BG	WO-00/66747-A1	11-09-2000	Zeneca Limited		
	BH	EP-1 323 825-A2	07-02-2003	Enea Ente Per Le Nuove Tecnologie, L'Energia E L'Ambiente et al.		
	BI	DE-102 38 979-A1	02-26-2004	SunGene GmbH & Co. KGaA		See Attached
	BJ	DE-102 38 980-A1	03-04-2004	SunGene GmbH & Co. KGaA		See Attached
	BK	DE-102 38 978-A1	03-04-2004	SunGene GmbH & Co. KGaA		See Attached
	BL	CA-2 496 300-A1	04-01-2004	SunGene GmbH & Co. KGaA		
	BM	WO-04/027069-A1	04-01-2004	SunGene GmbH & Co. KGaA		See CA 2 496 300
	BN	DE-102 53 112-A1	06-03-2004	SunGene GmbH & Co. KGaA		See Attached
	BO	WO-02/061050-A2	08-08-2002	University of Maryland, College Park		

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Ronen, Gil, et al., "An Alternative Pathway to β -carotene Formation in Plant Chromoplasts Discovered by Map-Based Cloning of <i>Beta</i> and <i>old-gold</i> Color Mutations in Tomato", Proceedings of National Academy of Science, USA, Vol. 97, No. 20 (2000), pp. 11102-11107.	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO				Complete, if Known?	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	Not Yet Assigned 538741
				Filing Date	Concurrently Herewith
				First Named Inventor	Matt Sauer
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	13173-00026-US

CB	Rosati, Carlo, et al., "Metabolic Engineering of Beta-Carotene and Lycopene Content in Tomato Fruit", The Plant Journal, Vol. 24, No. 3 (2000), pp. 413-419.	
CC	Mann, Varda, et al., "Metabolic Engineering of Astaxanthin Production in Tobacco Flowers", Nature Biotechnology, Vol. 18 (2000), pp. 888-892.	
CD	Corona, Vittorio, et al., "Regulation of a Carotenoid Biosynthesis Gene Promoter During Plant Development", The Plant Journal, Vol. 9, No. 4 (1996), pp. 505-512.	
CE	Benfey, Philip N., et al., "Regulated Genes in Transgenic Plants", Science 244 (1989), pp. 174-181, XP0001183154.	
CF	Benfey, P. N., et al., "Petunia 5-enolpyruvylshikimate-3-phosphate synthase (EPSP synthase) gene, 5' end.", EMBL-EBI Database, Accession No. M37029, September 13, 1990.	
CG	Benfey, Philip N., et al., "Sequence Requirements of the 5-Enolpyruvylshikimate-3-phosphate synthase 5'-Upstream Region for Tissue-Specific Expression in Flowers and Seedlings", The Plant Cell, Vol. 2 (1990), pp. 849-856.	
CH	Vishnevetsky, Michael, et al., "Molecular Mechanisms Underlying Carotenogenesis in the Chromoplast: Multilevel Regulation of Carotenoid-Associated Genes", The Plant Journal, Vol. 20, No. 4 (1999), pp. 423-431.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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